

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

*

v.

*

Criminal No. GLR-17-0631

NGHIA HOANG PHO

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* * * * *

EMERGENCY MOTION FOR COMPASSIONATE RELEASE
PURSUANT TO 18 U.S.C. § 3582(c)(1)(A)(i)

The defendant, Nghia Hoang Pho, pursuant to Standing Order 2019-04, files this emergency motion for compassionate release pursuant to the newly-amended 18 U.S.C. § 3582(c)(1)(A)(i). For the reasons set forth in a Memorandum in Support of Emergency Motion for Compassionate Release Pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), which is being filed under seal because it contains protected health information, Mr. Pho's age, underlying medical conditions, recent positive test for COVID-19, and being housed at facility in which more than 50% of the current inmates are actively infected with COVID-19 meet the "extraordinary and compelling reasons" standard of § 3582(c)(1)(A)(i). Because Mr. Pho's age, medical situation, current infection, and place of confinement make him highly vulnerable to severe illness or death from COVID-19, long-term health consequences, and an unknown risk of re-infection, this motion is an urgent one.

Mr. Pho filed an institutional request for compassionate release on April 15, 2020, which was denied on April 17, 2020. The novel coronavirus and the complications it could cause for an individual with as many health problems as Mr. Pho renders his request an urgent one that should be resolved on an expedited basis. Government counsel has agreed to file its response to this motion by June 23, 2020. Mr. Pho will file any reply by June 25, 2020.

WHEREFORE, we ask this Court to find that Mr. Pho's age, serious medical conditions, and current COVID-19 positive status constitute extraordinary and compelling reasons for relief. After considering the applicable factors set forth in 18 U.S.C. § 3553(a), we respectfully request that the Court reduce Mr. Pho's sentence to time served, and add a condition of home confinement as a condition of Mr. Pho's entire three-year term of supervised release.

Respectfully submitted,

JAMES WYDA
Federal Public Defender
for the District of Maryland

/s/

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